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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,798	10/18/1999	TOSHIHIKO MIURA	1004.1063/JD	1817

21171 7590 08/27/2002

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EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 08/27/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

AS 11

Advisory Action

Application No.

09/419,798

Applicant(s)

KAWASAKI ET AL.

Examiner

Monique R Jackson

Art Unit

1773

--Th MAILING DATE of this communication appears on th cover sheet with the correspondence address --

THE REPLY FILED 16 August 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attached.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-5.

Claim(s) withdrawn from consideration: None.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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ADVISORY ACTION

Continuation of Item 2. NOTE: The proposed amendments will not be entered because they raise new issues that would require further consideration and/or search, namely the incorporation of the new limitations with regards to surface of the magnet body and surface roughness of the synthetic resin coating; they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and they present an additional claim (Claim 6) without canceling a corresponding number of finally rejected claims.

Continuation of Item 5. NOTE: Applicant's request for reconsideration and arguments filed 8/16/02 have been considered but are not persuasive and/or moot. The majority of Applicant's arguments are directed to the surface roughness limitations presented in the proposed amendments that have not been entered for the reasons recited above. The Applicant also argues that neither Sagawa et al nor Strnat discloses using a filler material having a particle size between 0.1 and 15 microns as previously claimed. However, as discussed in detail in the previously office action, Sagawa et al clearly teaches a powder material utilized to fill the pores on the surface of the magnet wherein the grain size of the powder material is usually within a range from 0.05 to 500 microns, more preferably 0.1 to 50 microns, which encompasses the instantly claimed range, wherein the finer the powder material is, the smaller the striking force is and the surface roughness is lessened (12:53-68.) Hence, the invention taught by Sagawa et al does anticipate the instantly claimed range for the filler material utilize to fill the depressions or pores of the magnet.

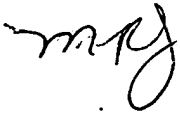
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



mrj
August 23, 2002



Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700